

ADVISORY OPINION 93-007

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

June 8, 1993

Hon. John Frith Stewart  
Mr. Dennis F. Janes  
Segal, Isenberg, Sales, Stewart, Cutler and Tillman  
2100 Waterfront Plaza  
325 W Main Street  
Louisville, Kentucky 40202-4251

Dear Mr. Stewart and Mr. Janes:

Thank you for contacting the Registry. This letter will constitute the final advisory opinion in this matter. The facts of your question may be stated as follows:

JEFF-PAC is a permanent committee, defined in KRS 121.015(3)(c). This PAC is registered with the Kentucky Registry of Election Finance, and it now contemplates dissolution under KRS 121.180(10). JEFF-PAC has funds in excess of \$500. Upon dissolution, JEFF-PAC would like to transfer its funds to the Jefferson County Teachers' Association which would become politically active as a contributing organization, as defined in KRS 121.015(4).

Your question may be stated as follows:

Under KRS 121.180(10), may JEFF-PAC turn over its assets to the Jefferson County Teacher's Association when JEFF-PAC terminates?

Because of the LRC interpretation of KRS 121.180(10) the Registry would read KRS 121.180(10) narrowly, which would not allow your proposed course of action. I.e., JEFF-PAC would have to follow KRS 121.180(10) in the event it decided to terminate with surplus funds in its account.

The answer to your question is no. The Registry was not clear as to whether the drafters intended permanent committees to be included in the scope of KRS 121.180(10) under the final version of Senate Bill 221, which amended KRS Chapter 121. Therefore, the Registry promulgated a regulation which included permanent committees in the scope of KRS 121.180(10). One June 7, 1993, the Administrative Regulations Review Subcommittee of the Kentucky Legislative Research Committee ("LRC") met to consider this proposed regulation. In the opinion of LRC, the statute KRS 121.180(10) itself, includes permanent committees. It was, therefore, LRC's position that not regulation was necessary to interpret KRS 121.180(10).

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull  
TES/dt